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HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (S) NO. 3278 of 2007

Petitioners

1. Hemlal Nishad Son of Kalapram Nishad, aged about 29 years, Occupation Service and at present working as Salesman in the Gramin Seva Sahkari Samiti Bhanwarpur, Tahsil Basna, District Mahasamund (C.G.)
2. Jitendra Patel Son of Jagdish Prasad Patel, aged about 26 years, Occupation Service and at present working as Salesman in the Gramin Seva Sahkari Samiti Bhanwarpur, Tahsil Basna, District Mahasamund (C.G.)
3. Chumman Patel Son of Sahni Patel, aged about 31 years, Occupation Service and at present working as Salesman in the Gramin Seva Sahkari Samiti Bhanwarpur, Tahsil Basna, District Mahasamund (C.G.)

Versus

Respondents

1. The Registrar, Cooperative Societies, Chhattisgarh Raipur (C.G.)
2. The Deputy Registrar, Cooperative Societies, Manasamund (C.G.)
3. The Authorized Officer, Gramin Seva Sahkari Samiti Bhanwarpur, Tahsil Basna, District Mahasamund (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

Single Bench :- Hon'ble Shri Justice **Satish K. Agnihotri**

Present :- Shri Malay Kumar Bhaduri, Advocate for the petitioners.

ORDER
(Passed on this 13th day of June, 2007)

1. By this petition, filed under Article 227 of the Constitution of India, the petitioners question the legality and validity of the order dated 24.5.2007 (Annexure P/2) passed by the Registrar, Cooperative

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Societies, Chhattisgarh Raipur, whereby stay of the termination order has been rejected.

2. According to learned counsel appearing for the petitioners, the petitioners were terminated vide order dated 23/27.4.2007 (Annexure P/1) passed by the Deputy Registrar, Cooperative Societies, Mahasamund. The petitioners have challenged the validity of the order dated 23/27.4.2007 before the Registrar, Cooperative Societies, Raipur, which is still pending consideration. In the meantime, the petitioners filed an application for grant of stay on the ground that the petitioners have been working on the post. The Registrar, Cooperative Societies, Raipur dismissed the said application by the impugned order dated 24.5.2007.

3. Contention of the learned counsel that the petitioners are continuing, does not go along with the contention that the termination order has been passed and given effect to together. The challenge to the same is pending consideration before the higher authority.

4. Be that as it may, when admittedly, the services of the petitioners have been terminated and challenge to the order is still pending consideration before the higher authority, there is no question of granting stay of the termination order on the ground that the petitioners have been working. I fail to understand how the petitioners can work after the termination orders have been passed. The termination order cannot be stayed on the ground that the petitioners are continuing in work.

5. In the facts and circumstances of the case, this petition has no merit and as such, this petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

B/